

OUR FILE NO.: 090.155440

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ADRIAN SCHOOLCRAFT,

Plaintiff,

- against -

10CV6005 (RWS)

**DECLARATION OF
PAUL F. CALLAN**

THE CITY OF NEW YORK, DEPUTY CHIEF
MICHAEL MARINO, Tax Id. 873220, Individually and
in his Official Capacity, ASSISTANT CHIEF PATROL
BOROUGH BROOKLYN NORTH GERALD NELSON,
Tax Id. 912370, Individually and in his Official
Capacity, DEPUTY INSPECTOR STEVEN
MAURIELLO, Tax Id. 895117, Individually and in his
Official Capacity, CAPTAIN THEODORE
LAUTERBORN, Tax Id. 897840, Individually and in
his Official Capacity, LIEUTENANT JOSEPH GOFF,
Tax Id. 894025, Individually and in his Official
Capacity, STG. FREDERICK SAWYER, Shield No.
2576, Individually and in his Official Capacity,
SERGEANT KURT DUNCAN, Shield No. 2483,
Individually and in his Official Capacity, LIEUTENANT
CHRISTOPHER BROSCART, Tax Id. 915354,
Individually and in his Official Capacity, LIEUTENANT
TIMOTHY CAUGHEY, Tax Id. 885374, Individually
and in his Official Capacity, SERGEANT SHANTEL
JAMES, Shield No. 3004, and P.O.'s "JOHN DOE"
#1-50, Individually and in their Official Capacity (the
name John Doe being fictitious, as the true names are
presently unknown) (collectively referred to as "NYPD
defendants"), JAMAICA HOSPITAL MEDICAL
CENTER, DR. ISAK ISAKOV, Individually and in his
Official Capacity, DR. LILIAN ALDANA-BERNIER,
Individually and in her Official Capacity and JAMAICA
HOSPITAL MEDICAL CENTER EMPLOYEE'S
"JOHN DOE" # 1-50, Individually and in their Official
Capacity (the name John Doe being fictitious, as the
true names are presently unknown),

Defendants.

-----X
PAUL F. CALLAN, ESQ., pursuant to 28 USC § 1746, declares under penalty of

perjury that the following is true, based upon his personal knowledge and review of the file in this action:

1. I am a member of the law firm of Callan, Koster, Brady, Brennan & Nagler, LLP, attorneys for defendant DR. LILIAN ALDANA-BERNIER, in the above-entitled action. I am fully familiar with the facts and circumstances of this case based on a review of the file materials maintained in this office.

2. This declaration is submitted in support of the motion of defendant DR. LILIAN ALDANA-BERNIER's (hereinafter Aldana-Bernier) for summary judgment to dismiss plaintiff's claims for relief under 42. U.S.C. §1983, to dismiss his claim for intentional infliction of emotional distress under New York State law, to remand the surviving state law claims to state court, and for such other and further relief as this Court may deem just and proper.

3. Attached as Exhibit "A" is a true and accurate copy of plaintiff Adrian Schoolcraft's Second Amended Complaint, dated September 25, 2012.

4. Attached as Exhibit "B" is a true and accurate copy of defendant Lilian Aldana-Bernier, M.D.'s, Answer to plaintiff's Second Amended Complaint, dated October 22, 2012.

5. Attached as Exhibit "C" is a true and accurate copy of Dr. Aldana-Bernier's affidavit dated December 19, 2014.

6. Attached as Exhibit "D" is a true and accurate copy of plaintiff's medical records from Jamaica Hospital Medical Center with redactions.

7. Attached as Exhibit "E" is a true and accurate copy of the expert report submitted by plaintiff's expert, Dr. Roy Lubit dated August 11, 2014.

8. No prior application for the relief sought herein has been made to this or any other court or justice thereof.

WHEREFORE, it is respectfully requested that the instant Motion be granted in its entirety.

Dated: New York, New York
December 22, 2014

/s/ Paul F. Callan
PAUL F. CALLAN

TO: NATHANIEL SMITH, ESQ.
111 Broadway, Suite 1305
New York, New York 10006
(212) 227-7062
natbsmith@gmail.com

Walter A. Kretz, Jr., Esq. (WK-4645)
SCOPPETTA SEIFF KRETZ & ABERCROMBIE
Attorneys for Defendant
DEPUTY INSPECTOR STEVEN MAURIELLO
444 Madison Avenue, 30th Floor
New York, New York 10022
(212) 371-4500
wakretz@seiffkretz.com

Gregory J. Radomisli, Esq. (GJR2670)
MARTIN, CLEARWATER & BELL, LLP
Attorneys for Defendant
JAMAICA HOSPITAL MEDICAL CENTER
220 East 42nd Street
New York, New York 10017-5842
(212) 697-3122
radomg@mcblaw.com

Brian E. Lee, Esq. (BL9495)
IVONE, DEVINE & JENSEN, LLP
Attorneys for Defendant
ISAK ISAKOV
2001 Marcus Avenue, Suite N100
Lake Success, New York 11042

(516) 326-2400
brianelee@idjlaw.com

Suzanna Publicker Mettham (SP1005)
Senior Assistant Corporation Counsel
ZACHARY W. CARTER,, ESQ.
~~CORPORATION COUNSEL OF THE CITY OF NEW YORK~~
Attorneys for CITY Defendants
NEW YORK CITY POLICE DEPARTMENT
Special Federal Litigation Division
New York City Law Department
100 Church Street, Room 2-124
New York, New York 10007
(212) 788-8703
spublick@law.nyc.gov